

date, Plaintiff has not retained new counsel.

Through the present motion, Plaintiff requests that the court re-open discovery for a period of forty-five days and grant him an additional sixty days to respond to Defendant's Motion for Summary Judgment, which Defendant timely filed on September 29, 2011. (Filings [49](#) & [52](#).) Plaintiff argues that an extension is necessary because Mr. Flood withdrew from the case and, to this point, Mr. Hannah has only performed a secondary role as counsel. Plaintiff also contends that due to Mr. Flood's departure and his cancellation of the previously-mentioned depositions, discovery needs to be re-opened to allow these depositions to be conducted, as well as to allow him to take the deposition of another individual.

The court concludes that a sixty-day extension of Plaintiff's response deadline and the re-opening of discovery is not warranted. Mr. Hannah has been involved in this case since its inception and should be familiar with the aspects of the case. Moreover, the discovery deadline passed prior to Mr. Flood's withdrawal. Therefore, there is no need to re-open discovery by virtue of his departure. Finally, Plaintiff's delay in filing this motion also supports the motion's partial denial. Plaintiff waited nearly a month from the date that Mr. Flood withdrew from the case to request that discovery be re-opened and he waited nearly two-weeks from the date that Defendant filed its Motion for Summary Judgment to ask for an extension of his response deadline. The court is aware of no reason why Plaintiff could not have filed this motion earlier.

Nevertheless, given Plaintiff's October 19, 2011 deadline to secure new local counsel, the court will grant Plaintiff a brief extension of time, until October 25, 2011, to respond to Plaintiff's summary judgment motion. Discovery will not be re-opened. However, Plaintiff will be permitted to conduct the depositions of Amy Wheeler, Diane Mahagan-Thompson and Jodie Schoemaker out of time, as previously agreed-to by defense counsel.

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Extension of Time to Respond to Defendant's Motion for Summary Judgment and to Re-open Discovery ([filing 52](#)) is granted, in part, as follows:

- a. Plaintiff shall respond to Defendant's Motion for Summary Judgment on or before October 25, 2011.
 - b. Discovery in this case will not be re-opened. However, Plaintiff is permitted to take the depositions of Amy Wheeler, Diane Mahagan-Thompson and Jodie Schoemaker out of time.
2. In all other respects, Plaintiff's Motion is denied.
3. The pretrial conference and trial will take place as scheduled.

DATED October 18, 2011.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**